

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

SCOTT DELANO WHITAKER

PLAINTIFF

v.

CIVIL ACTION NO. 3:21cv108-MPM-RP

**PRINCIPAL LIFE INSURANCE
COMPANY, JOHN DOES I-X AND
ROE CORPORATIONS I-X**

DEFENDANTS

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §1446(a), Principal Life Insurance Company (hereinafter "Principal Life") hereby removes the civil action styled *Scott Delano Whitaker v. Principal Life Insurance Company, John Does I-X and Roe Corporations I-X*, from the Circuit Court of Lafayette County, Mississippi, Cause No. L21-089 to the United States District Court for the Northern District of Mississippi, Oxford Division. The removal of this action is based on the following:

1. On March 11, 2021, Plaintiff filed his Complaint against Principal Life ("Complaint") in the Circuit Court of Lafayette County, Mississippi (the "Action"). The Complaint seeks recovery of more than \$352,000.00. The nature of this Action is more fully stated in the Complaint, a copy of which is attached as Exhibit A.¹ This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §1332.

2. Principal Life was served with a copy of the summons and complaint on April 27, 2021. *See* Exhibit A. This Notice of Removal is filed within thirty days after initial receipt by Principal Life of the Complaint and is timely pursuant to 28 U.S.C. 1446(b).

¹In accordance with 28 U.S.C. §1446(a), a copy of all process, pleadings, and orders served on Principal Life are attached as Exhibit A.

3. As required by 28 U.S.C. 1441(a), the Circuit Court for Lafayette County, Mississippi lies within the district and division of this Court.

4. Removal is proper on the basis of diversity jurisdiction pursuant to 28 U.S.C. §1332. There is diversity jurisdiction in this Court because there is complete diversity of citizenship between Principal Life and Plaintiff, and more than \$75,000 is in controversy, exclusive of interest and costs. *See* 28 U.S.C. §1332.

5. Plaintiff is an adult resident of Mississippi. *See* Complaint, p.1, ¶1 and Exhibit A. Plaintiff remains, upon information and belief, a resident of Mississippi.

6. At the time of the filing of the Complaint, Defendant Principal Life was an Iowa corporation with its principal place of business in Iowa and remains an Iowa corporation with its principal place of business in Iowa.

7. Because the Plaintiff is not a citizen of any state of which any Defendant is also a citizen, complete diversity exists. *See* 28 U.S.C. §1332(a)(1).

8. The amount in controversy exceeds the sum of or value of \$75,000. In his Complaint, Plaintiff seeks to recover \$352,000 as compensatory damages. *See* Complaint, p. 3 ¶

5. Since complete diversity exists and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, the United States District Court for the Northern District of Mississippi has original jurisdiction pursuant to 28 U.S.C. § 1332.

9. For the reasons described above, Principal Life respectfully requests that this Court proceed with this matter as if it had been originally filed herein. Principal Life further requests any other relief to which it may be justly entitled.

10. Pursuant to 28 U.S.C. § 1446(d), Plaintiff is being provided with written notice of removal, and a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Lafayette County, Mississippi.

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Principal Life are attached hereto as Exhibit A.

12. Pursuant to Local Rule 5(b), a copy of the entire state court record in the format required by the Administrative Procedures for Electronic Case Filing for this district will be filed within 14 days.

13. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of Principal Life's rights to assert any defense or affirmative matter including, but not limited to, any defense outlined in Rule 12 of the Mississippi or Federal Rules of Civil Procedure as well as any other defense which may be available to it pursuant to any state or federal case law or statute.

RESPECTFULLY SUBMITTED, this the 25th day of May, 2021.

PRINCIPAL LIFE INSURANCE COMPANY

By: /s/ Clint Pentecost
Clint Pentecost

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